

REMARKS

Applicant has carefully reviewed the Office Action dated February 27, 2006. Applicant has amended Claims 1, 3, 10, 12, and 21-22 to more clearly point out the present inventive concept. Applicant has cancelled Claims 2 and 11. Reconsideration and favorable action is respectfully requested.

Claims 1 and 10 stand rejected as being indefinite. The Examiner is unclear as to what the predetermined association with remote location means. Applicant respectfully traverses this rejection.

The specification is very clear that a particular bar code or code in the system has an association provided by a relational database at a remote location on the network. This association is both “predetermined” by the existence of that database and the fact that the code, which is non-descript in and of itself, is disposed in the database and there is a column that associates a routing number with that code. These routing numbers are very specific to a remote location on the network. Thus, the existence of a relational database provides a “predetermined” association of that remote location with the code. Therefore, Applicant believes that the use of the term “predetermined association” is clearly supported by the specification and defined therein. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112 rejection with respect to Claims 1 and 10.

Claim 1 stands rejected on the ground of non-statutory double patenting in view of Claim 1 of U.S. Patent No. 6,985,954, as the Examiner considers the claims, if allowed, to improperly extend the “right to exclude” already granted in the patent. Applicant objects to this rejection.

Claim 1 of the ‘954 Patent is directed toward the steps of, first, providing an input device, second, extracting encoded information from a coded symbol with the input device, in addition to extracting a device ID from the input device wherein the PC has multiple functionalities. The purpose of this claim was to input into the keyboard input of a computer the scan code, which would then be translated into keystroke inputs, these keystroke inputs then input to a browser.

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Once the scan code has been translated into keystrokes and the keystrokes then input to the program, then the code is set to an intermediate location, looked up in a database and then the resource locator associated with a location returned to the computer user for allowing connection thereof. There is no element of the Claim that is associated with disposing buttons on a cellular telephone wherein each of the buttons has a functional mode and that functional mode has associated therewith a unique code. As such, Applicant believes that Claim 1, prior to amendment, is patentably distinct from Claim 1 of the 954 Patent. Therefore, Applicant respectfully requests withdrawal of the rejection of Claim 1 under the ground of non-statutory double patenting.

Applicant notes with appreciation the Examiner's indication that Claims 2-4 and 11-13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has incorporated the limitations of Claim 2 and Claim 10 has incorporated the limitations of Claim 11. Therefore, Applicant believes that all of the claims are in condition for allowance.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,337 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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